

Michael Stolper  
ORRICK, HERRINGTON & SUTCLIFFE LLP  
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Telephone: (212) 506-5000

Attorneys for Plaintiff Highland Park CDO I  
Grantor Trust, Series A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

HIGHLAND PARK CDO I GRANTOR  
TRUST, SERIES A

Plaintiff,

v.

MATTHEW STUDER, FRED GRAFT, ERNIE  
MALAS, and PETER CORATOLA,  
Defendants.

Case No. 08 Civ. 01670

**DECLARATION OF  
MICHAEL STOLPER IN  
FURTHER SUPPORT OF  
PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT**

I, Michael Stolper, declare:

1. I am a member of the bar of this Court and of the firm Orrick, Herrington & Sutcliffe LLP, counsel to Highland Park CDO I Grantor Trust, Series A ("Highland"), Plaintiff in the above-entitled action. I submit this Declaration in further support of Plaintiff's motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

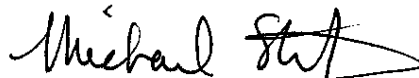
2. Highland has retained Ohio counsel and is in the process of obtaining a dismissal from the Ohio Foreclosure Action: *Wells Fargo N.A., as Trustee for the Morgan Stanley Capital I Inc. Commercial Mortgage Pass-Through Certificates Series 2006-XLF v. Platinum Lodging, LLC, et al.*, No. 08CVE03-03668 (Ohio Ct. C.P. Franklin County 2008).

3. Attached hereto as Exhibit 1 is a copy of Highland's Notice of Disclaimer of Lien Interest in Property Subject to Foreclosure, filed in the Ohio Foreclosure Action.

4. Attached hereto as Exhibit 2 is a copy of Wells Fargo's Notice of Voluntary Dismissal of Highland that I understand will be filed tomorrow in the Ohio Foreclosure Action.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 21, 2008 at New York, New York.

A handwritten signature in black ink, appearing to read "Michael Stolper", written over a horizontal line.

Michael Stolper

# **Exhibit 1**

**IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO**

WELLS FARGO BANK, N.A., AS TRUSTEE :  
FOR THE MORGAN STANLEY CAPITAL I :  
INC. COMMERCIAL MORTGAGE PASS- :  
THROUGH CERTIFICATES SERIES 2006- :  
XLF, by and through its Special Servicer :  
Midland Loan Services :

Plaintiff,

vs.

PLATINUM LODGING, LLC, *et al.*,

Defendants.

Case No. 08CVE03-03668

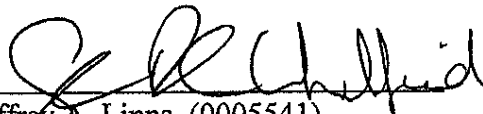
Judge Reece

FILED  
COMMON PLEAS COURT  
FRANKLIN COUNTY, OHIO  
JUL 21 PM 4:23  
CLERK OF COURTS

**NOTICE OF DEFENDANT HIGHLAND PARK OF DISCLAIMER OF  
LIEN INTEREST IN PROPERTY SUBJECT TO FORECLOSURE**

Defendant Highland Park CDO Trust I Grantor Trust, Series A ("Highland Park"), by and through counsel, hereby gives notice that it does not have any lien, interest in, or claim to, the real or personal property (the "Property") as defined in the Mortgage and Security Agreement dated as of July 18, 2006, now held by the Plaintiff and at issue in this action. As such, Highland Park should not be a party to this foreclosure action. Nothing in this Notice shall be construed as a waiver by Highland Park of any of its contractual rights under the Mezzanine Loan Documents, including, but not limited to, Section 2.4.2 of the Mezzanine Loan (the Mezzanine Loan is not at issue in this action).

Respectfully submitted,



Jeffrey A. Lipps (0005541)  
Angela M. Paul Whitfield (0068774)  
CARPENTER LIPPS & LELAND LLP  
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280 North High Street  
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(614) 365-9145 (Facsimile)  
lipps@carpenterlipps.com  
paul@carpenterlipps.com

Counsel for Defendant Highland Park

OF COUNSEL:

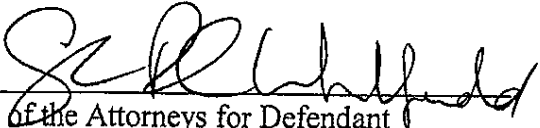
Michael T. Stolper  
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New York, NY 10103-0001  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice Of Defendant Highland Park of  
Disclaimer of Lien Interest in Property Subject to Foreclosure was served this 21st day of July,  
2008, by regular, U.S. mail, postage prepaid upon:

Michael N. Schaeffer Richard G. Murray Kemp, Schaeffer & Rowe Co. L.P.A. 88 West Mound Street Columbus, Ohio 43215 <i>Attorney for Defendant Platinum Lodging, LLC</i>	Marc J. Kessler Daniel A. DeMarco Hahn, Loeser & Parks LLP 65 E. State St., 14 <sup>th</sup> Floor Columbus, OH 43215-4209 <i>Attorney for Defendant Guarantors</i>
Mark W. Bernlohr Jennifer J. Jacquemain Bernlohr Wertz, L.L.P. 23 S. Main Street, Suite 301 Akron, OH 44308 <i>Attorney for Defendant Lyon Financial Services, Inc., d/b/a US Bancorp Business Equipment Finance Group</i>	Charles A. Mifsud Brian M. Gianangeli Joshua D. Weber The Law Office of Charles Mifsud LLC Suite 201 Annex 326 S. High Street Columbus, OH 43215 <i>Attorney for Defendant Ohio State Bureau of Workers Compensation</i>
Lucas C. Ward Ohio Attorney General Collections Enforcement 150 E. Gay St., 21 <sup>st</sup> Floor Columbus, OH 43215 <i>Attorney for The State of Ohio Bureau of Workers' Compensation</i>	Adria L. Fields Assistant Prosecuting Attorney Franklin County Prosecutors Office 373 S. High Street, 17 <sup>th</sup> Floor Columbus, OH 43215 <i>Attorney for Defendant Franklin County Treasurer</i>
David L. Lackey Decker, Vonau & Seguin, Lackey & Viets Co., L.P.A. 620 E. Broad St. Columbus, OH 43215 <i>Attorney for Defendant Greenscapes Landscape Company</i>	Andrew R. Fredelake Thompson Hine LLP 10 W. Broad St., Ste. 700 7 <sup>th</sup> Floor Columbus, OH 43215 <i>Attorney for Defendant Gaylor Inc.</i>
John A. Gleason 555 Metro Place N., Ste. 600 Dublin, OH 43017-1314 <i>Attorney for Defendant Champion Services LLC</i>	Howard E. Baumwell 211 E. Livingston Ave. Columbus, OH 43215 <i>Attorney for Defendant Galloway Landscape LLC</i>

James L. Allen (0077534) Paul E. Perry (0023326) Miller, Canfield, Paddock and Stone, PLC 840 West Long Lake Road, Suite 200 Troy, Michigan 48098 <i>Attorneys for Plaintiff</i>	Trina Goethals Maguire & Schneider LLP 250 Civic Center Dr., Ste. 500 Columbus, OH 43215 <i>Co-Counsel for Plaintiff</i>
James P. Botti Porter, Wright, Morris & Arthur LLP 41 S. High Street, Suite 3100 Columbus, OH 43215 <i>Attorney for Defendant Crane Group Co.</i>	COLUMBUS WORTHINGTON HEATING AND AIR CONDITIONING COMPANY INC c/o CSC – Lawyers Incorporating Service 1300 East Ninth Street Cleveland, OH 44114
KEY EQUIPMENT FINANCE INC c/o CSC-Lawyers Inc., SVC 50 W. Broad St., Ste. 1800 Columbus, OH 43215	LODGENET ENTERTAINMENT CORP c/o Prentice Hall Corp. System, Inc. 380 S. 5 <sup>th</sup> St. Columbus, OH 43215
SCHINDLER ELEVATOR CORPORATION c/o CT Corporation System 1300 East Ninth Street Cleveland, OH 44114	ECU STAFFING MULTI-SERVICES, INC. c/o Guillermo Barrios 5578 Blue Lagoon Lane Hilliard, OH 43026
ALL-SEAL COATINGS, INC. 15515 West Third Street Plymouth, IN 46563	Lloyd-Pierre Louis Pierre-Louis & Associates, LLC The LeVeque Tower 50 W. Broad St., Ste. 1600 Columbus, OH 43215 <i>Attorney for Receiver</i>

  
 One of the Attorneys for Defendant  
 Highland Park

## **Exhibit 2**

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

Wells Fargo Bank, N.A., as Trustee for the  
Morgan Stanley Capital I Inc. Commercial  
Mortgage Pass-Through Certificates Series  
2006-XLF, by and through its special servicer  
Midland Loan Services, Inc.,

Plaintiff,

vs.

Platinum Lodging, LLC, et al.,

Defendants.

Case No. 08 CVE 03 03668

Judge: Reece

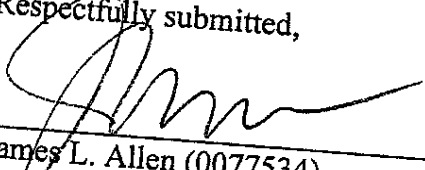
**PLAINTIFF'S NOTICE OF  
DISMISSAL OF CLAIM AGAINST  
DEFENDANT HIGHLAND PARK  
CDO TRUST I GRANTOR TRUST,  
SERIES A**

Defendant Highland Park CDO Trust I Grantor Trust, Series A having filed a disclaimer of interest in the real estate that is the subject of Plaintiff's First Amended Complaint, Plaintiff gives notice of voluntary dismissal of its claim against Defendant Highland Park CDO Trust I Grantor Trust, Series A.

No counterclaim remaining pending for independent adjudication by the court has been served by any defendant. This notice is pursuant to Civ. R. 41(A)(1).

Dated: July 21, 2008

Respectfully submitted,

  
James L. Allen (0077534)  
Paul E. Perry (0023326)  
Miller, Canfield, Paddock and Stone, PLC  
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Troy, Michigan 48098  
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(248) 879-2001 Fax  
[allenj@millercanfield.com](mailto:allenj@millercanfield.com)  
[perry@millercanfield.com](mailto:perry@millercanfield.com)  
Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Notice Of Voluntary Dismissal was served this 21st day of July, 2008, by regular, U.S. mail, postage prepaid upon:

Michael N. Schaeffer Richard G. Murray Kemp, Schaeffer & Rowe Co. L.P.A. 88 West Mound Street Columbus, Ohio 43215 <i>Attorney for Defendant Platinum Lodging, LLC</i>	Marc J. Kessler Daniel A. DeMarco Hahn, Loeser & Parks LLP 65 E. State St., 14 <sup>th</sup> Floor Columbus, OH 43215-4209 <i>Attorney for Defendant Guarantors</i>
Mark W. Bernlohr Jennifer J. Jacquemain Bernlohr Wertz, L.L.P. 23 S. Main Street, Suite 301 Akron, OH 44308 <i>Attorney for Defendant Lyon Financial Services, Inc., d/b/a US Bancorp Business Equipment Finance Group</i>	Charles A. Mifsud Brian M. Gianangeli Joshua D. Weber The Law Office of Charles Mifsud LLC Suite 201 Annex 326 S. High Street Columbus, OH 43215 <i>Attorney for Defendant Ohio State Bureau of Workers Compensation</i>
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Angela M. Paul Whitfield Carpenter Lipps & Leland LLP 280 Plaza, Suite 1300 280 N. high St. Columbus, OH 43215 <i>Attorney for Defendant Highland Park</i>	Lloyd-Pierre Louis Pierre-Louis & Associates, LLC The LeVeque Tower 50 W. Broad St., Ste. 1600 Columbus, OH 43215 <i>Attorney for Receiver</i>

  
Heather Swantek

BHLIB:604836.3\131318-00022